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MISCELLANY.

BAR EXAMINATION.

Roanoke, Virginia, June 23rd, 1910.

I.

1. (a) What is a freehold estate?
(b) What is an estate in fee simple?
(c) What is an estate in remainder?
(d) What is the distinction between a vested and a contingent remainder?

2. A conveys land to B; the deed is not recorded. C is a judgment creditor, and D a subsequent purchaser. C and D have actual notice of the deed to B: What are the rights of C and D?

II.

Give the essentials of a valid contract.

III.

What laws govern as to the construction and validity of contracts? What as to the remedy for their enforcement?

IV.

A, having imperfect title to land, conveys it to B for valuable consideration, but without warranty. A later acquired good title to same, and buys up an old judgment against a former owner, which is a lien on the land. Both of these he transfers to C for value, who asserts them against B: What are the rights of the parties?

V.

(a) A, who is 20 years of age, is engaged in the livery business, and is sued in assumpsit by B, who hired a hack from him, for injury caused by the negligence of A's driver:

(b) A, lunatic, denounced B in a newspaper as the murderer of C; B sues him for damages:

Can there be a recovery in (a), in (b)?

VI.

A sells land to B and is to convey it when payment is made. Before payment falls due they make an arrangement by which B executes his bond with A as surety to C for a debt due by A to C, being the same amount as the purchase money of the land, and B's bonds for the purchase money are surrendered and destroyed. B becomes insolvent, and conveys the land to secure creditors, and A is compelled to pay the bond to C: What are A's rights, if any, in relation to the land, and reason?

VII.

What is a valuable consideration in law?

VIII.

(a) What is meant by an Act being broader than its title, and the effect thereof?

(b) An act with title covering same provides, that an assistant Attorney-General shall be elected by the General Assembly, and that the pay of the Superintendent of Schools shall be \$2500.00 per annum: Is this Act valid, and why?

IX.

1. What is the Statute of Limitations in the following cases?

(a) A bond for the payment of money?

(b) A deed of trust securing same?

(c) A vendor's lien?

(d) A bond given by an administrator?

2. How is a judgment lien kept alive?

X.

(a) What risks are assumed by a servant?

(b) What in general are the duties of the master to the servant?

(c) When is it the duty of the master to make and promulgate rules for the operation of his work?

(d) When is a foreman vice-principal?

(e) Who are fellow servants?

XI.

A dies at the home of a son-in-law, who has taken care of him for several years. The latter asserts claim against his estate for board and attention: Can he recover? If so, under what circumstances?

XII.

What is required to get a new trial on the ground of after-discovered testimony?

XIII.

A city and a private person operate a stone quarry outside the city limits. They work it together to get stone for the use of the city. Through the negligence of the superintendent, a stone rolls down and injures an employee. He sues the owners: Are the owners both liable, and should there be judgment against both, and reason?

XIV.

A is a general contractor to build a warehouse for X, B a subcontractor, and C furnishes materials: How can each perfect his mechanic's lien on the property? How much land is liable? Can B and C make X personally liable for their claim? If so, how? Within what time must suit be brought to enforce such lien?

XV.

1. What is the doctrine as to plea in abatement for too few defendants when A brings the following actions:

(a) Against one only of two joint makers of a promissory note, not negotiable?

(b) Against one only of two joint tort-feasors?

2. If A gets judgment under (a), can he get judgment later against the other joint maker?

3. If judgment is obtained under (b), can A get judgment later against the other joint tort-feasor?

XVI.

What is a holograph will, and what not? What formalities are required for the due execution of each?

XVII.

(a) A will probated in 1900 provides: "I give my real estate to my niece, A; and should she die leaving no child, in that event the property above devised, or what may remain of same, I give to my sister, B." Construe will; give rights of parties, and reasons.

(b) Any difference if will probated in 1910?

XVIII.

A wife dies intestate, owning real estate in Virginia, leaving surviving her husband, B, and two daughters, C and D, under age. C died at the age of 22, unmarried and without issue; D marries, has a child and dies intestate, leaving husband, H, and child surviving her. Her child dies under age and without issue: Who now owns the land?

XIX.

What is necessary to entitle a husband to courtesy? What to entitle a widow to dower?

XX.

1. When is a bill multifarious?

2. What is meant by subrogation? Give an instance.

XXI.

A commissioner is appointed by a decree in a chancery case to sell land, but omits to give the bond required by the decree. He sells the land, collects the price, puts it in bank to his credit as commissioner. Before the making of a deed to the purchaser the bank fails: Can the purchaser be made to pay again? If so, has he a remedy over against any one, and whom?

XXII.

1. For what errors can a bill of review be filed?

2. If there is error in final decree on the facts, what is the remedy?

XXIII.

(a) What is a demurrer to pleadings?

(b) What is a demurrer to the evidence?

- (c) Who can demur to the evidence?
- (d) What must a demurrer to the evidence state?
- (c) Is it necessary that a demurrer to pleadings, or to the evidence, be in writing?

XXIV.

At a judicial sale bonds with sureties are taken by a commissioner of the court for the deferred payments on land: What remedy or remedies against the principal, and against the sureties?

XXV.

What are the rights of a purchaser of land at judicial sale, when title proves defective, and his relation to doctrine of *caveat emptor*,—

- (a) Before confirmation?
- (b) After confirmation?

XXVI.

Distinguish between a tort and a crime, and give illustration of—

- (a) An act which is a tort and not a crime;
- (b) An act which is a crime and not a tort; and
- (c) An act which is both a tort and a crime.

XXVII.

What is a felony, and what is a misdemeanor?

XXVIII.

- (a) What is murder in the first degree?
- (b) Distinguish murder in the first degree and murder in the second degree.
- (c) Define manslaughter, voluntary and involuntary.

XXIX.

A is indicted for selling liquor without license in District No. 1, Roanoke County. That district is a local option district, but other districts of the county are not:

- (a) Will the court take judicial notice of the fact that No. 1 is a local option district?
- (b) The proof is that apple brandy was sold therein: Will the court take judicial notice of the fact that apple brandy is intoxicating?
- (c) Who has the burden of proof on the question of license? And reasons.

XXX.

(a) A is charged with murder; insanity is a defense: As to this defense, who has the burden of proof, and the degree of proof required? What latitude should be allowed in such inquiry?

(b) Can counsel for defense argue to the jury against the instructions of the court on the law?

Successful Applicants.

Following is a list of the successful applicants for license to practice law in Virginia:

Allen, George Edward.....	Mannboro, Va.
Anderson, Alfred.....	Ringold, Va.
Anderson, L. A.....	Lynchburg, Va.
Baggarly, Franklin Clyde.....	Richmond, Va.
Barclay, Robert Clifford.....	Portsmouth, Va.
Barker, Vernon Crumley.....	Mendota, Va.
Bazile, Leon Maurice.....	Richmond, Va.
Bond, Robert Harold.....	Jackson, Tenn.
Brossman, Rudolph Jodocus.....	Ephrata, Pa.
Buchanan, John P.....	Marion, Va.
Bedinger, Frank Cleveland.....	Brookneal, Va.
Belfield, Alex Bruce.....	Richmond, Va.
Beverley, William Welby.....	Broad Run, Va.
Blackwell, John Clyde.....	Lexington, Va.
Bond, J. D.....	Wise, Va.
Bondurant, R. A.....	Roanoke, Va.
Brooke, Jr., Frank Calvert.....	Warrenton, Va.
Bumgarner, S. C.....	Abingdon, Va.
Burruss, Jr., Walter Luther.....	Fredericksburg, Va.
Cameron, Ewan Donald.....	Richmond, Va.
Campbell, Stuart Bland.....	Wytheville, Va.
Cardozo, Edward S.....	Ashland, Va.
Carrington, R. W.....	Richmond, Va.
Carpenter, Eber Abraham.....	Madison, Va.
Carter, Jr., George William.....	Washington, D. C.
Carter, Jr., John W.....	Danville, Va.
Cather, Thomas Russell.....	Winchester, Va.
Chalmers, Algenon Coleman.....	University of Virginia.
Chambers, Julian Sidney.....	Columbus, Ga.
Clingenpeel, I. M.....	Martinsville, Va.
Chaney, White.....	Hot Springs, Va.
Cocke, Charles Francis.....	Roanoke, Va.
Cook, George F.....	Roanoke, Va.
Croaff, Thomas J.....	Roanoke, Va.
Crump, William Wood.....	Richmond, Va.
Cutchins, Louis Elkan.....	Richmond, Va.
Currie, James W....	Davidson, N. C.
Dashiell, Randolph Grayson.....	Richmond, Va.
Denny, Robert James.....	Lexington, Va.
Devany, Jr., Walter Leslie.....	Dendron, Va.
Doughty, Jr., George Lloyd.....	Accomac, Va.
Devell, Guy Ansell Bond.....	University of Virginia.

Dovell, Grover Ashton.....	University of Virginia.
Earman, David Wampler.....	Keezletown, Va.
Easley, George Gilmer.....	Houston, Va.
Engleby, William Staples.....	Roanoke, Va.
French, William Ephriam.....	Clintwood, Va.
Ferrell, William Warren.....	Danville, Va.
Gilmer, George.....	Charlottesville, Va.
Graff, William A.....	Newport News, Va.
Goode, Morton Graham.....	Skipwith, Va.
Grant, Walter Miller.....	Norfolk, Va.
Greever, James Edwin.....	Graham, Va.
Greis, George R.....	University of Virginia.
Hagan, Clarence Salman.....	Lexington, Va.
Hall, Channing Moore.....	Williamsburg, Va.
Hannon, William Morgan.....	New Orleans, La.
Harris, Malcolm Kerr.....	Danville, Va.
Harris, T. N.....	Danville, Va.
Hawthorn, Hugh Robert.....	Abingdon, Va.
Hazlett, A. C.....	Richmond, Va.
Heaton, Charles E.....	Lexington, Va.
Hencyel, Solomon D.....	Quicksburg, Va.
Holtz, Albert S.....	Fredericksburg, Va.
Howell, Charles Cook.....	Downing, Fla.
Horgan, William.....	
Hughes, Forrest Lee.....	Gainesville, Texas.
Ingram, Robert Palmer.....	Norfolk, Va.
James, Joshua E.....	Norfolk, Va.
Jamison, John C.....	Roanoke, Va.
Jones, Kenneth Swank.....	Norfolk, Va.
Kelly, Walter C.....	
Kenna, Joseph Norris.....	Charleston, W. Va.
Lewis, Mason Avery.....	Denver, Col.
Lipscomb, Walter Pierce.....	Richmond, Va.
Long, M. M.....	Woodville, Va.
Loughran, James Henry.....	Norfolk, Va.
Marshall, Jr., Hunter.....	Lynchburg, Va.
May, Jr., James Harry.....	Staunton, Va.
Miller, Alanson Austin.....	University of Virginia.
Miller, R. E.....	Norfolk, Va.
Moran, Chas. E.....	Charlottesville, Va.
Mosby, Robert Q.....	Bedford City, Va.
McCarron, Jos. P.....	Lynchburg, Va.
McCerkle, Claiborne Ross.....	Chester, Va.
McKinney, Frank L.....	Houston, Va.
McNutt, G. M.....	Charlottesville, Va.

McQueen, Isaac Rhea.....	Vaughtsville, Tenn.
Nickels, Wm. Harvey.....	Wood, Va.
Pace, S. N.....	Culpeper, Va.
Page, Jr., Ivor A.....	Norfolk, Va.
Pierce, Wentworth W.....	Richmond, Va.
Pence, Gilbert E.....	Forestville, Va.
Philpots, Alphonso C.....	Norfolk, Va.
Plunkett, Moss Abram.....	Roanoke, Va.
Pretlaw, Barclay.....	Franklin, Va.
Raney, L. M.....	LaCrosse, Va.
Rectenwald, Henry John.....	Lexington, Va.
Rhodes, Israel
Rhodes, Walter I.....
Riddle, S. P.....	Pound, Va.
Schweickert, George C.....	Richmond, Va.
Settle, Thomas Slator.....	Flint Hill, Va.
Shannon, George Gannaway.....	Saltville, Va.
Shaprio, Herman M.....	Norfolk, Va.
Sheppard, Jr., James R.....	Richmond, Va.
Smith, Henry Laurie.....	Warrenton, Va.
Smith, Jr., William W.....	Broad Run, Va.
Spindle, Jr., Richard Buckner.....	Christiansburg, Va.
Stancell, Samuel Turner.....	Norfolk, Va.
Stant, Donald Thomas.....
Straus, Jr., Beverly W.....	Tazewell, Va.
Sutherland, George Cleveland.....	Stratton, Va.
Thomasson, F. L.....	Charlottesville, Va.
Tunstall, Richard.....	Norfolk, Va.
Tucker, J. Randolph.....	Norfolk, Va.
Tynes, Buford C.....	Tazewell, Va.
Vial, Charles Seymour.....	Richmond, Va.
Valz, William Frederick.....	Richmond, Va.
Wade, Barnette.....
Wall, Hiram Petty.....	South Hill, Va.
Wade, William Barnette.....	South Hill, Va.
Walker, George.....	Heathsville, Va.
White, John Daniel.....	Staunton, Va.
White, J. Stuart.....	Warrenton, Va.
Williams, Philip.....	University of Virginia.
Williams, Philip.....	Woodstock, Va.
Withers, Martin Burks.....	Lexington, Va.
Wilson, Richard Baxter.....	Richmond, Va.
Wilson, Richard Taylor.....	Petersburg, Va.
Woody, Kirkwood Lester.....	Crewe, Va.
Wyllie, Alfred Scales.....	Crewe, Va.